

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID H. BLUNT,

Case No. 6:12-788-TC

Plaintiff,

ORDER

v.

CITY OF SALEM,

Defendant.

Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned action on October 2, 2012. Magistrate Judge Coffin recommends that defendants' motion to dismiss be granted as an impermissible appeal of a state court judgment. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's

report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff filed timely objections to the Findings and Recommendation. Upon de novo review of Magistrate Judge Coffin's Findings and Recommendation, I agree with Judge Coffin's findings and legal conclusion. Plaintiff essentially seeks review of a final state court decision by a federal court, which is a *de facto* appeal of a state court decision and prohibited. D.C. Ct. of Appeals v. Feldman, 460 U.S. 462 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923).

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 15) filed October 2, 2012 is ADOPTED in its entirety. Defendant's Motion to Dismiss (doc. 5) is GRANTED, and this case is DISMISSED.

IT IS SO ORDERED.

Dated this 17th day of November, 2012.



Ann Aiken
United States District Judge